UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GREGORY EGGLESTON, Plaintiff, v. CUYAHOGA COUNTY JOB AND FAMILY SERVICES, OFFICE OF CHILD SUPPORT, et al., Defendants.	CASE NO. 1:13 CV 2705 JUDGE PATRICIA A. GAUGHAN MEMORANDUM OF OPINION AND ORDER

On December 9, 2013, Plaintiff *pro se* Gregory Eddleston filed this *in forma pauperis* action against Cuyahoga County Job and Family Services Office of Child Support Service, the Ohio Department of Public Safety, and the Ohio Bureau of Motor Vehicles. The one-page, handwritten Complaint, which does not set forth a basis for this Court's jurisdiction, indicates Plaintiff's driver license was suspended because he did not comply with a child support order. He alleges that custody of his children was removed from their mother by the Cuyahoga County Juvenile Court. Plaintiff asks this Court to reinstate his driving privileges.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis

in law or fact.[1] *Neitzke v. Williams*, 490 U.S. 319 (1989); *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010).

A cause of action fails to state a claim upon which relief may be granted when it lacks "plausibility in the complaint." *Bell At. Corp. V. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the complaint are true. *Twombly*, 550 U.S. at 555. The plaintiff is not required to include detailed factual allegations, but must provide more than "an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678 (2009). A pleading that offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this pleading standard. *Id.*

Construing the Complaint liberally in a light most favorable to the Plaintiff, *Brand v. Motley*, 526 F.3d 921, 924 (6th Cir. 2008), it does not contain allegations reasonably suggesting he might have a valid federal claim. *See, Lillard v. Shelby County Bd. of Educ,*, 76 F.3d 716 (6th Cir. 1996)(court not required to accept summary allegations or unwarranted legal conclusions in determining whether complaint states a claim for relief). Further, even had he otherwise set forth a plausible constitutional claim, this Court would be required to abstain from considering it. *Cf. Tindall v. Wayne County Friend of Court*, 269 F.3d 533, 539-40 (6th Cir. 2001) (federal district court must abstain from granting declaratory or injunctive affecting state court civil contempt hearing stemming from nonpayment of child support).

Accordingly, this action is dismissed under section 1915(e). Further, the Court certifies,

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[1] An *in forma pauperis* claim may be dismissed *sua sponte*, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking section 1915(e) [formerly 28 U.S.C. § 1915(d)] and is dismissing the claim for one of the reasons set forth in the statute. *Chase Manhattan Mortg. Corp. v. Smith*, 507 F.3d 910, 915 (6th Cir. 2007); *Gibson v. R.G. Smith Co.*, 915 F.2d 260, 261 (6th Cir. 1990); *Harris v. Johnson*, 784 F.2d 222, 224 (6th Cir. 1986).

pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 5/6/14